

WILENTZ, GOLDMAN & SPITZER, P.A.
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Attorneys for Defendants Emporio Motor
Group, LLC and Afzal A. Khan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALZAL CORP.,
Plaintiff,

v.

EMPORIO MOTOR GROUP, L.L.C. and
AFZAL A. KHAN, a/k/a BOBBY KHAN,
Defendants.
-----X

Civil Action No. 13-cv-2636 (LTS)
(MHD)

**NOTICE OF MOTION TO DISMISS
COMPLAINT FOR LACK OF
PERSONAL JURISDICTION AND
IMPROPER VENUE AND REQUEST
FOR ORAL ARGUMENT**

TO: ROBERT GIUSTI, ESQ.
Robert Giusti Esq. & Associates, PLLC
42-40 Bell Avenue
Bayside, New York 11361
Attorneys for Plaintiff

PLEASE TAKE NOTICE that that the undersigned attorneys for Defendants Emporio Motors and Afzal A. Khan. (collectively "defendants"), will move before the United States District Court, Southern District of New York, for an Order dismissing the Complaint for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) and for improper venue pursuant to 28 U.S.C. § 1391.

PLEASE TAKE FURTHER NOTICE that Defendant will rely upon the Declaration of Afzal A. Khan, dated May 14, 2013, and its Brief In Support Of Defendants' Motion To Dismiss The Complaint Based On Lack Of Personal Jurisdiction And For Improper Venue.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is being submitted to the Orders and Judgment Clerk in electronic form to the following email address on this date: judgments@nysd.uscourts.gov, and that oral argument is hereby requested.

PLEASE TAKE FURTHER NOTICE that, by filing this motion and the accompanying papers in support, defendants do not thereby consent to this Court's exercise of personal jurisdiction, and make such filings without waiver of or prejudice defendants' objection to the lawsuit proceeding in this Court based on lack of personal jurisdiction and improper venue.

CERTIFICATION: I hereby certify I have sent a letter dated May 8, 2013 to Robert Giusti, Esq., attorney for the plaintiff, and that on May 14, 2013, I telephoned Mr. Giusti, in an effort to engage in informal efforts to resolve the subject matter of this motion, but Mr. Giusti did not take or return the call.

WILENTZ, GOLDMAN & SPITZER P.A.
Attorneys for Emporio Motor Group, L.L.C.
and Afzal A. Khan

/s Marvin J. Brauth
By: _____
MARVIN J. BRAUTH
For the Firm

May 16, 2013